

METROPOLITAN PLAN COMMISSION
DOCKET NO. 65-A0-3

GRAVEL - SAND - BORROW DISTRICT ORDINANCE

AMENDING

MARION COUNTY MASTER PLAN PERMANENT ZONING ORDINANCE

METROPOLITAN PLANNING DEPARTMENT

1965

O R D I N A N C E

BE IT ORDAINED by The Marion County Council of Marion County, Indiana, that Marion County Council Ordinance No. 8-1957 and the Marion County Master Plan Permanent Zoning Ordinance as amended (said Marion County Master Plan Permanent Zoning Ordinance being one of the zoning ordinances adopted as Ordinance No. 8-1957 by the Marion County Council on March 28, 1957, and subsequently amended, pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, as amended), be amended as follows: That Chapter XII A. of said Marion County Master Plan Permanent Zoning Ordinance be amended to read:

Chapter XII A. Gravel - Sand - Borrow District

Section 1 Gravel - Sand - Borrow Districts - Purpose - Establishment

- (1) Purpose - It is the purpose of this Chapter to establish reasonable and uniform limitations, safeguards and controls in Marion County, Indiana, for the further production of sand, gravel, borrow, and other mineral or earthen materials. Restrictive limitations, safeguards and controls are deemed necessary in the public interest to effect practices which will provide for a more economic production of sand, gravel, borrow, and other mineral or earthen materials, and which will also take into consideration the surface use of land as such uses are indicated by the value and character of the existing improvements in the districts where such production is hereinafter permitted, the desirability of the area for residential or other uses, or any other factor directly relating to the public health, comfort, safety and general welfare in Gravel - Sand - Borrow Districts.
- (2) Establishment - Certain lands, as shown on the secondary zoning classification maps, containing deposits of gravel, sand, borrow, and other mineral or earthen materials shall be given a secondary zoning classification of "Gravel - Sand - Borrow District" and be designated "G-S-B Gravel - Sand - Borrow District" on the legend of the secondary zoning classification maps. In a Gravel - Sand - Borrow District designated G-S-B no structure or land shall be used and no building, structure, sand, gravel or borrow plant, or sand, gravel or borrow equipment shall hereafter be located, unless otherwise provided herein except for one or more of the following uses:
 - (a) Any use permitted in the primary zoning district in which said Gravel - Sand - Borrow District is situated.

- (b) Mining, quarrying, excavating of sand, gravel, borrow, or other mineral or earthen materials.
- (c) Location, for a period not to exceed five (5) years, of temporary processing plants for the processing and stock-piling of sand, gravel, borrow, or other mineral or earthen materials, mined on the premises.

Provided, however, that permanent plants for the processing and stockpiling of gravel, sand, borrow, and other mineral or earthen materials, mined on the premises or elsewhere, shall not be permitted in any Gravel - Sand - Borrow District except one which has a Special Use District (23) primary zoning classification. It is further provided that changes in the primary zoning classification of areas comprising, in whole or in part, a Gravel - Sand - Borrow District shall not affect such Gravel - Sand - Borrow District as herein established. It is further provided that Gravel - Sand - Borrow Districts as herein established shall be enlarged or diminished only by ordinance.

- (3) Borrow Excavation Pursuant to State Highway Department Contract - Provided, however, that nothing in this ordinance shall prevent the excavating of borrow or other earthen materials in any zoning district of this Marion County Master Plan Permanent Zoning Ordinance pursuant to a contract therefor with the Indiana State Highway Department, as a part of a state or federal highway project, provided the following requirements have been met prior to the beginning of such excavation:

- (a) A bond for such excavation shall have been filed with the Indiana State Highway Department in accordance with all said Department's applicable requirements, specifications and performance standards of excavation, operation and restoration.
- (b) A copy of said bond shall be filed with the Metropolitan Planning Department, together with a site plan, area map, and legal description of the land to be included in such borrow excavation.
- (c) A permit for such borrow excavation shall be obtained from the Metropolitan Planning Department. Said permit shall be issued upon the filing of said bond, site plan, area map, and legal description.

Section 1.001 Requirements and Regulations

- (1) No gravel, sand, borrow, or other mineral or earthen materials shall hereafter be mined in any part of Marion County, to which this ordinance applies, unless a permit for such work has been issued by the Metropolitan Planning Department.
- (2) Applications for the permits mentioned in sub-paragraph (1) of Section 1.001 shall be made in writing and shall be accompanied by a corporate surety bond for the faithful performance of all of the applicable requirements set out in Section 1.001 of Chapter XII A. Said bond shall

be in the amount of five hundred dollars (\$500.00) per acre, with a minimum of one thousand dollars (\$1,000.00) per operation and shall be with surety approved by the Metropolitan Plan Commission. Said bond shall specify the time for the completion of all of the applicable requirements of said Section 1.001 of Chapter XII A. Such permit shall be renewed for like periods provided an application accompanied by bond is filed within six (6) months before any expiration date, with the Metropolitan Planning Department as provided herein in case of original application, provided the applicant is carrying out the requirements of his permit in good faith and there exists no judicial determination at said time to the contrary.

- (3) All equipment used for the production of sand, gravel, borrow, and other mineral or earthen materials, shall be constructed, maintained and operated in such a manner as to eliminate as far as practicable, noises, vibrations or dust which are injurious or annoying to persons living in the vicinity.
- (4) No production of sand, gravel, borrow, or other mineral or earthen materials shall be permitted nearer than fifty (50) feet to the boundary of a district designated Gravel - Sand - Borrow District nor shall such production be permitted nearer than fifty (50) feet to the boundary of an adjoining property within any such Gravel - Sand - Borrow District unless the written consent of the owner in fee of such adjoining property is first secured.
- (5) No excavation shall be made closer than one hundred fifty (150) feet from the right-of-way line of any existing or platted street, road or highway, excepting mining of sand, gravel, borrow, and other mineral or earthen materials may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing elevation of the adjoining and existing or platted street, road or highway.
- (6) All excavation must either be made to a water-producing depth, such depth to be not less than five (5) feet measured from the low water mark, or graded or back-filled with non-noxious, non-inflammable and non-combustible solids to assure the following:
 - (a) That the excavated area will not collect and permit to remain therein stagnant water.
 - (b) That the surface of such area shall be graded or back-filled as necessary so as to reduce the peaks and depressions thereof to a surface which will result in a gently rolling topography, and minimize erosion due to rainfall, and which will be in substantial conformity to the land area immediately surrounding.
 - (c) To plant trees, shrubs, legumes or grasses upon the parts of such area where revegetation is possible.
- (7) The banks of all excavations not back-filled as provided in sub-paragraph six (6) of sub-section 1.001, shall be sloped to the water line at a slope which shall not be less than one and one-half ($1\frac{1}{2}$) feet horizontal, to one (1) foot vertical and said bank shall be sodded or surfaced with a maximum of six (6) inches of suitable soil, and the same shall be seeded with grass seed.

- (8) Whenever the permit referred to in sub-paragraph 1 of section 1.001 hereof shall have expired or whenever any gravel, sand, borrow, or other mineral or earthen materials pit or excavation shall have been abandoned for any period exceeding twelve (12) consecutive months then all plants, buildings, structures (except fences), stockpiles and equipment shall be entirely removed from such property.

NOW BE IT FURTHER ORDAINED that an emergency exists for the passage of this ordinance and that the same shall be in full force and effect from and after this date.

Harry E. Foxworthy

James A. Buck

Ronald E. Bingman

Beurt R. SerVaas

William A. Brown

THE MARION COUNTY COUNCIL

DATED _____ 2/8/66

ATTEST: _____ John T. Sutton
AUDITOR OF MARION COUNTY, INDIANA